IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7547 OF 2006

Pradeep Bhagwanji Sodha ..Petitioner

Vs.

1. The Municipal Corporation of Greater Bombay ..Respondents

Mr.Suresh Gole for the petitioner

CORAM : A.P.DESHPANDE, J

DATED : 20TH NOVEMBER, 2006

P.C.:

1. An order came to be passed by City Civil Court dt.8.9.06 permitting the respondents landlord to be impleaded as party defendants in a suit instituted by the petitioner tenant calling in question legality of a notice issued under section 351 of the Bombay Municipal Corporation Act touching the unauthorised construction. The suit is filed sometime in 1999 and, thereafter, the original landlord had sold the property to the respondents herein. The purchaser hence, moved an application under Order 1 Rule 10 of the C.P.C. The purchaser has also placed reliance on a

communication dt.30.10.98 which is a letter addressed by the then landlord and other tenants to the corporation authorities pointing out that the construction in question is an unauthorised construction made by the petitioner.

2. Taking overall view of the matter and as the trial court was of the view that the presence of the landlord would be necessary for full and complete adjudication of issue involved, has granted the application. The court below has taken possible view of the matter. The order does not suffer from any patent illegality requiring interference in exercise of Jurisdiction under Article 227 of the Constitution of India. In the result, writ petition is summarily dismissed.

(SHRI A.P.DESHPANDE, J)